

MP CIV 6075-1

JUL 23 2008
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
COLUMBUS WILLIAMS

Plaintiff,

COMPLAINT

- against -

THE CITY OF NEW YORK, P.O. JOSE VEGA and Sgt
RAYMOND CLARKE, Individually and in their Capacity
as a Police Officers of the CITY OF NEW YORK, and
Several Unidentified Individual Police OfficersDefendants.
-----X

Plaintiff, by his attorney BOWMAN & VLACHOS, complaining of defendants, alleges
as follows:

JURISDICTION AND PARTIES

1. This action is brought pursuant to 42 U.S.C. 1983 for violations of plaintiff's rights
under the Fourth and Fourteenth Amendments of the Constitution of the United States as well as
the laws of the State of New York.

2. This court has jurisdiction pursuant to 28 U.S.C. 1331(a) and 1343 (a).

3. Plaintiff is a citizen of the United States and a resident of the City and State of New
York.

4. Defendants, at all times relevant, were and are police officers employed by the City of
New York, and, on information and belief, are residents of the City and State of New York.

5. The defendant City of New York is a municipal corporation organized under the laws
of the State of New York.

FACTUAL BACKGROUND

6. At all times relevant to the allegations set forth below, the individual defendants acted under color of State law, and said acts proximately caused plaintiff's injuries and suffering.

7. On November 5, 2006, while plaintiff was driving in the vicinity of Crotona Avenue between Crotona Park North and Claremont Park, Bronx, New York, he was stopped and questioned by the individual defendants for a traffic infraction. During the stop, plaintiff was asked to produce a bag sitting in his lap which contained two novelty identification cards identifying plaintiff as a "Special Agent" of the "Central Intelligent Agent" and a "Federal Bureau of Investigation". The reverse side of these cards stated, *inter alia*, "Photo Fantasy MAX'S BAR MITZVAH October 23, 2004".

8. Defendants proceeded to wrongfully and maliciously arrest plaintiff, and never read him his Miranda rights. During the course of searching plaintiff's car, his glove compartment was broken, his windows scratched, and his seats scuffed. He was first subjected to a search by police officers at the station house, fingerprinted, placed in a holding cell where he was ordered to sit on a bench which had human feces on it, battered, assaulted, thrown to the floor, and punched in his stomach, back, and ribs, and his legs and arms were shackled. Plaintiff, a diabetic, informed the police officers where he was being held that he was a diabetic, but he was refused food and water. As a result, plaintiff became ill during his incarceration, necessitating treatment at a local hospital prior to his arraignment. During the period of incarceration plaintiff continuously suffered great fear, anxiety, and humiliation. His domestic partner was told by police that plaintiff had "committed a federal crime" and "was going upstate for a long time". Plaintiff's incarceration lasted approximately twenty-two hours.

9. On information and belief, the named individuals and unidentified Police Officers of

16. By reason of the above plaintiff is entitled to compensatory money damages.

JURY DEMAND

17. Plaintiff demands a trial by Jury.

WHEREFORE, plaintiff demands judgment as follows: in the amount of \$300,000.00 in compensatory damages as against all defendants and in the amount of \$500,000.00 in punitive damages of each individual defendant jointly and severally on the First Claim and \$300,000.00 in compensatory damages on the Second Claim, together with costs, disbursements, and statutory attorney's fees.

Dated: New York, New York
July 2, 2008

BOWMAN & WLACHOS

By: 2012.12

David B. Bowman (5490)

Attorneys For Plaintiff

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New York, New York 10022

(212) 514-9700

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SUMMONS AND COMPLAINT

BOWMAN & VLACHOS
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